

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TEMEKIA M. WYCKOFF,

Plaintiff,

v.

Case No. 2:19-cv-13633
District Judge David M. Lawson
Magistrate Judge Anthony P. Patti

R1 RCM, INC., *et al.*,

Defendants.

/

ORDER: (1) DEEMING PLAINTIFF'S FIRST AMENDED COMPLAINT (ECF NO. 18) THE OPERATIVE PLEADING; (2) DEEMING WITHDRAWN PLAINTIFF'S CLAIMS AGAINST THE EIGHT INDIVIDUAL DEFENDANTS; and, (3) DIRECTING THE CLERK OF THE COURT TO RECHARACTERIZE PLAINTIFF'S MARCH 6, 2010 FILING (ECF NO. 17) AS AN ATTACHMENT TO THE FIRST AMENDED COMPLAINT

A. Background

Temekia M. Wyckoff's notice of right to sue letter was issued on September 19, 2019. (ECF No. 1, PageID.17.) On December 10, 2019, she filed a form complaint for employment discrimination against R1 RCM, Inc. and eight of its employees (ECF No. 1, PageID.1-11), attached to which are several additional typewritten pages (*id.*, PageID.12-16) and three exhibits (*id.*, PageID.17-19).

Plaintiff is proceeding *in pro per* and *in forma pauperis*. (ECF Nos. 2, 4.) Judge Lawson has referred this case to me for general case management. (ECF No. 5.) Each of the Defendants has appeared via counsel. (ECF Nos. 9, 10.)

B. Motion Practice

While Defendant R1 RCM has filed an answer to the complaint, limited reliance upon jury demand, and affirmative defenses (ECF Nos. 11, 12), the eight individual Defendants have filed a combined motion to dismiss (ECF No. 13). Plaintiff's response is due March 23, 2020. (ECF No. 15.)

Meanwhile, Defendants moved to compel a settlement conference. (ECF No. 14.) The request was granted, and the settlement conference was noticed for June 10, 2020. (ECF No. 16.)

C. Plaintiff's first amended complaint (ECF No. 18) is now the operative pleading.

The March 6, 2020 first amended complaint, which names only a single corporate defendant, is timely under Fed. R. Civ. P. 15(a)(1)(B). The individual Defendants' dispositive motion was filed on February 21, 2020, so Plaintiff had until March 13, 2020 or so by which to file an amendment as of right.

Accordingly, the first amended complaint will be accepted and is now the operative pleading in this case.

D. Plaintiff's claims against the eight (8) individual Defendants are deemed withdrawn.

"Generally, amended pleadings supersede original pleadings." *Hayward v. Cleveland Clinic Found.*, 759 F.3d 601, 617 (6th Cir. 2014) (citing 6 Charles Alan Wright & Arthur R. Miller, Federal Practice and Procedure § 1476 (3d ed.2010)).

Thus, Plaintiff's first amended complaint, which names only Defendant R1 RCM, supersedes the original complaint, which names nine total defendants.

Consistently, Plaintiff's same-day filing informs the Court that she is "agreeing to remove the individuals from this case and sue R1 RCM, Inc.[,]" and has "also enclosed an amended 'employment discrimination' form, [which] reflects the removal of the individuals and only reflects R1 RCM, Inc." (ECF No. 17, PageID.91.)

In other words, Plaintiff has, effectively, withdrawn her claims against the eight individual Defendants.

E. Plaintiff's March 6, 2020 "response" (ECF No. 17) should be docketed as an attachment to the first amended complaint.

Plaintiff's 9-page, March 6, 2020 filing (ECF No. 17) has been docketed as a response to the individual Defendants' dispositive motion (ECF No. 13), although it appears to have more than one purpose. In addition to addressing the status of certain Defendants in this case, Plaintiff's "response" contains several pages typewritten pages, which contain the subtitles "Amended letter" and "Complaint," and which appear to amend certain pages of her original complaint. (*Compare* ECF No. 1, PageID.12-16; *with*, ECF No. 17, PageID.91-99.) In other words, these typewritten pages seem intended to have been attached to the first amended complaint. This characterization is buttressed by the fact that the first amended

complaint is only a form, within which Plaintiff states “Please see attachment[,]” when asked about the facts of her case. (ECF No. 18, PageID.104.)

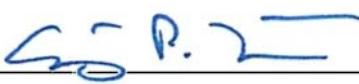
F. Order

Plaintiff’s first amended complaint (ECF No. 18), which names only R1 RCM, Inc. as a Defendant, is **DEEMED** the operative pleading. Accordingly, Plaintiff’s claims against the eight (8) individual defendants are **DEEMED WITHDRAWN**. Finally, the Clerk of the Court should recharacterize Plaintiff’s March 6, 2020 filing (ECF No. 17) as an attachment to the first amended complaint.

The attention of the parties is drawn to Fed. R. Civ. P. 72(a), which provides a period of fourteen (14) days after being served with a copy of this order within which to file objections for consideration by the district judge under 28 U.S.C. § 636(b)(1).

IT IS SO ORDERED.

Dated: March 16, 2020



Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE